

[117II4029]


(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the National Telecommunications and Information Administration Organization Act to establish an interagency national security review process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the National Telecommunications and Information Administration Organization Act to establish an interagency national security review process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Timely Evaluation of
5 Acquisitions, Mergers, or Transactions with External,
6 Lawful Entities to Clear Owners and Management Act”
7 or the “TEAM TELECOM Act”.

1 **SEC. 2. ESTABLISHMENT OF INTERAGENCY NATIONAL SE-**
2 **URITY REVIEW PROCESS.**

3 (a) IN GENERAL.—Part A of the National Tele-
4 communications and Information Administration Organi-
5 zation Act (47 U.S.C. 901 et seq.) is amended by adding
6 at the end the following new section:

7 **“SEC. 106. ESTABLISHMENT OF INTERAGENCY NATIONAL**
8 **SECURITY REVIEW PROCESS.**

9 “(a) ESTABLISHMENT.—Not later than 180 days
10 after the date of the enactment of this section, the Assist-
11 ant Secretary, in coordination with the head of each ap-
12 propriate Federal entity, shall develop and issue proce-
13 dures for, and establish, an interagency review process
14 (which shall include each appropriate Federal entity) that
15 considers the law enforcement and national security policy
16 implications of the approval of a covered application that
17 may arise from the foreign ownership interests held in the
18 covered applicant that submitted the covered application.

19 “(b) APPLICABILITY.—Any covered application pend-
20 ing before the Commission that was submitted by a cov-
21 ered applicant with more than the threshold foreign own-
22 ership limit, after the covered applicant declines an oppor-
23 tunity to remedy the foreign ownership of the covered ap-
24 plicant, is subject to review under the review process es-
25 tablished pursuant to subsection (a).

26 “(c) PROCESS AND PROCEDURAL REQUIREMENTS.—

1 “(1) REFERRAL FOR REVIEW.—

2 “(A) REQUIREMENT FOR FCC TO REFER
3 COMPLETE APPLICATION.—The Commission
4 shall refer any covered application subject to
5 the review process established pursuant to sub-
6 section (a) to the Assistant Secretary promptly
7 after the Commission determines that the cov-
8 ered application, under the rules and regula-
9 tions of the Commission, is complete.

10 “(B) REFERRAL OF OTHER REQUESTS.—

11 The Commission may refer for review under the
12 review process established pursuant to sub-
13 section (a) any other request for action by the
14 Commission for which the Commission deter-
15 mines review is necessary under such process.

16 “(2) INTERAGENCY REVIEW DEADLINE; DETER-
17 MINATION.—

18 “(A) IN GENERAL.—Not later than 120
19 days after the date on which the Assistant Sec-
20 retary receives a referral from the Commission
21 pursuant to paragraph (1)—

22 “(i) the review of the covered applica-
23 tion or other request under the review
24 process established pursuant to subsection
25 (a) shall be completed;

1 “(ii) the Assistant Secretary, in co-
2 ordination with the head of each appro-
3 priate Federal entity, shall make a deter-
4 mination—

5 “(I) to recommend to the Com-
6 mission that the Commission grant,
7 grant conditioned on mitigation, or
8 deny the application or other request;
9 or

10 “(II) that the Assistant Secretary
11 cannot make a recommendation with
12 respect to the covered application or
13 other request; and

14 “(iii) if the Assistant Secretary deter-
15 mines under clause (ii) that the Assistant
16 Secretary cannot make a recommendation
17 with respect to the covered application or
18 other request, the President shall make a
19 determination to recommend to the Com-
20 mission that the Commission grant, grant
21 conditioned on mitigation, or deny the cov-
22 ered application or other request.

23 “(B) EXTENSION.—The Assistant Sec-
24 retary, in coordination with the head of each
25 appropriate Federal entity, may extend the

1 deadline described in subparagraph (A) an ad-
2 ditional 45 days.

3 “(C) NOTIFICATION OF EXTENSION.—If
4 the Assistant Secretary, in coordination with
5 the head of each appropriate Federal entity, ex-
6 tends the deadline pursuant to subparagraph
7 (B), the Assistant Secretary shall notify the
8 covered applicant or other requesting party of
9 the extension.

10 “(3) NOTIFICATION OF DETERMINATION.—Not
11 later than 3 days (excepting Saturdays, Sundays,
12 and legal holidays) after the Assistant Secretary or
13 the President (as the case may be) makes a deter-
14 mination under paragraph (2)(A) to recommend that
15 the Commission grant, grant conditioned on mitiga-
16 tion, or deny the application or other request, the
17 Assistant Secretary shall notify the Commission and
18 the covered applicant or other requesting party of
19 the determination.

20 “(4) DISCLOSURE OF STATUS OF REVIEW.—Not
21 later than 5 days (excepting Saturdays, Sundays,
22 and legal holidays) after receiving an inquiry from a
23 covered applicant or other requesting party for an
24 update with respect to the status of review of the
25 covered application or other request of the covered

1 applicant or other requesting party that was referred
2 by the Commission for review under the review proc-
3 ess established pursuant to subsection (a), the As-
4 sistant Secretary, in coordination with the head of
5 each appropriate Federal entity, shall provide, con-
6 sistent with the protection of classified information
7 and intelligence sources and methods, a complete
8 and accurate response to the covered applicant or
9 other requesting party, the Commission, and the ap-
10 propriate congressional committees.

11 “(5) STANDARDIZATION OF INFORMATION RE-
12 QUIRED.—In the review process established pursuant
13 to subsection (a), the Assistant Secretary, in coordi-
14 nation with the head of each appropriate Federal en-
15 tity, shall establish a list of questions requesting in-
16 formation from a covered applicant or other request-
17 ing party that shall be made publicly available and
18 posted on the internet website of NTIA. Such ques-
19 tions shall, to the maximum extent possible, be
20 standardized for any potential covered applicant or
21 other requesting party.

22 “(6) DEADLINE FOR PROVISION OF INFORMA-
23 TION REQUESTED.—Not later than 10 days after the
24 date on which the Assistant Secretary, in coordina-
25 tion with the head of each appropriate Federal enti-

1 ty, requests information from a covered applicant or
2 other requesting party, the covered applicant or
3 other requesting party shall submit to the NTLA
4 complete and accurate responses.

5 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed as limiting, superseding, or pre-
7 venting the invocation of any privileges or defenses that
8 are otherwise available at law or in equity to protect
9 against the disclosure of information.

10 “(e) DEFINITIONS.—In this section:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means the Committee on Energy and Com-
14 merce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate.

17 “(2) APPROPRIATE FEDERAL ENTITIES.—The
18 term ‘appropriate Federal entities’ means the fol-
19 lowing:

20 “(A) The Department of Commerce.

21 “(B) The Department of Defense.

22 “(C) The Department of Energy.

23 “(D) The Department of Homeland Secu-
24 rity.

25 “(E) The Department of Justice.

1 “(F) The Department of the Treasury.

2 “(G) The Department of State.

3 “(H) The United States Trade Represent-
4 ative.

5 “(I) The Federal Bureau of Investigation.

6 “(J) The Executive Office of the Presi-
7 dent.

8 “(3) CLASSIFIED INFORMATION.—The term
9 ‘classified information’ means any information or
10 material that has been determined by the Federal
11 Government pursuant to an Executive order, statute,
12 or regulation, to require protection against unau-
13 thorized disclosure for reasons of national security.

14 “(4) COVERED APPLICANT.—The term ‘covered
15 applicant’ means an entity seeking approval of a
16 covered application from the Commission.

17 “(5) COVERED APPLICATION.—The term ‘cov-
18 ered application’ means—

19 “(A) an application under section 214(a)
20 of the Communications Act of 1934 (47 U.S.C.
21 214(a)) for authorization to undertake the con-
22 struction of a new line or of an extension of any
23 line, or to acquire or operate any line, or exten-
24 sion thereof, or to engage in transmission over
25 or by means of such additional or extended line;

1 “(B) an application under the Act entitled
2 ‘An Act relating to the landing and operation of
3 submarine cables in the United States,’ ap-
4 proved May 27, 1921 (47 U.S.C. 34 et seq.; 42
5 Stat. 8) for—

6 “(i) a submarine cable landing license;
7 or

8 “(ii) an assignment or transfer of con-
9 trol of a submarine cable landing license;
10 or

11 “(C) an application for a new license, or
12 for the transfer, assignment, or disposal of an
13 existing license under section 310(d) of the
14 Communications Act of 1934 (47 U.S.C.
15 310(d)), that is—

16 “(i) subject to approval by the Com-
17 mission under section 310(b)(4) of such
18 Act (47 U.S.C. 310(b)(4)); or

19 “(ii) eligible, under the rules of the
20 Commission, for forbearance under section
21 10 of such Act (47 U.S.C. 160) from the
22 application of paragraph (1), (2), or (3) of
23 section 310(b) of such Act (47 U.S.C.
24 310(b)).

1 “(6) THRESHOLD FOREIGN OWNERSHIP
2 LIMIT.—The term ‘threshold foreign ownership limit’
3 means foreign ownership of, as applicable—

4 “(A) at least the amount determined by
5 the Commission under section 214(a) of the
6 Communications Act of 1934 (47 U.S.C.
7 214(a)), in the case of an application described
8 in paragraph (5)(A) of this subsection;

9 “(B) any amount, in the case of an appli-
10 cation described in paragraph (5)(B) of this
11 subsection; or

12 “(C) at least an amount sufficient for sec-
13 tion 310(b) of such Act (47 U.S.C. 310(b)) to
14 apply, in the case of an application described in
15 paragraph (5)(C) of this subsection.”.

16 (b) APPLICABILITY.—This section, and the amend-
17 ment made by this section, shall apply to any covered ap-
18 plication (as such term is defined in section 106 of the
19 National Telecommunications and Information Adminis-
20 tration Organization Act, as added by subsection (a)) filed
21 on or after the date on which the review process is estab-
22 lished pursuant to such section 106.